

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:05CR33
vs.)	
)	ORDER
ROBERTO CARMACHO-PATINO,)	
)	
Defendant.)	

This matter is before the court on the government's motion to continue trial (#44), now set for September 13, 2005. For cause shown, I find that the motion should be granted and the trial continued to the next available setting, i.e., November 1, 2005.

IT IS ORDERED that defendant's motion (#44) is granted, as follows:

1. Trial of this matter is continued to Tuesday, **November 1, 2005**.
2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **September 13, 2005 and November 1, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act due to the unavailability of a necessary witness. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).
3. Counsel for the United States shall confer with defense counsel and electronically file a status report no later than **October 18, 2005** advising the court of the anticipated length of trial.

DATED August 29, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge